



Kellogg College
University of Oxford

Kellogg College Student Disciplinary Regulations

Definitions: the following words should have the following meanings:

- i. 'Student' shall include any student member of Kellogg College;
- ii. 'Expulsion': permanent loss of membership of the College and the University;
- iii. 'Rustication': withdrawal of access to the premises and facilities of the College for a fixed period or pending the fulfilment of certain conditions;
- iv. 'Suspension': withdrawal of right of access pending further investigation, or where action is required in a non-disciplinary situation. Such withdrawal may be for a limited period pending the fulfilment of certain conditions or may be indefinite;
- v. A person subjects another to **harassment** where they engage in unwanted and unwarranted conduct which has the purpose or effect of violating another person's dignity, or, creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.
The recipient does not need to have explicitly stated that the behaviour was unwanted.
- vi. **Bullying** is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

1. Disciplinary Code

No Student of the College, in a college context, shall intentionally or recklessly:

- i. Disrupt or attempt to disrupt teaching, study, research or the administrative, sporting, social, residential or other activities of the College;
- ii. Disrupt, or attempt to disrupt, the lawful exercise of the freedom of speech by any member, employee, or visiting speakers;
- iii. Obstruct or attempt to obstruct any employee or agent of the College in the performance of their duties;
- iv. Damage or deface any property of the College or of any member or employee of the College, or knowingly misappropriate such property;
- v. Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised expressly or impliedly by the authorities concerned;
- vi. Forge or falsify any University certificate or document or make false statements concerning standing or results obtained in examination;
- vii. Engage in any activity likely to cause injury or to impair safety;
- viii. Engage in harassment;
- ix. Engage in violent, indecent, threatening, offensive behaviour or language;
- x. Engage in any fraudulent or dishonest behaviour;
- xi. Refuse to disclose their name, and other relevant details, to an officer, employee or agent of the College where it is reasonable to require such information;
- xii. Use, offer, sell, or give any person drugs, the possession or use of which is illegal;

- xiii. Bring any type of firearm, ammunition or offensive weapon on to College premises. An offensive weapon is any article made or adapted for use for causing injury;
- xiv. Engage in conduct in breach of the Statutes and Regulations of the University;
- xv. Engage in conduct in breach of College Student Regulations.

2. Criminal Offences

(a) Where an alleged breach of the Disciplinary Code constitutes in the opinion of the Dean a sufficiently serious criminal offence, the Dean shall immediately refer the matter to the Police; and where the Student is subject to criminal proceedings arising out of the alleged breach of the Code, the Dean shall not normally proceed with the case until the criminal proceedings have concluded, other than to suspend the Student from residence, or from use of College facilities if appropriate.

(b) If the alleged breach is not proceeded with as a criminal matter by the prosecuting authorities, the Dean shall determine whether the alleged breach should be dealt with as a disciplinary offence or in some other way.

In the event that a Student has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (whether or not such a sentence was in fact imposed) the Disciplinary Committee shall have the power, after hearing any representation which the Student may wish to make, to expel the Student or to impose such lesser penalty as it shall see fit. The Student will have a right of appeal to the Conference of College's Appeals Tribunal.

3. University Offences

- i. In the event that a Student is expelled by the University, such expulsion shall apply to the College also;
- ii. In the event that a Student is disciplined by the University, a penalty of suspension or rustication imposed by the University shall apply also to College premises and facilities;
- iii. It is College policy to comply with the University's Policy and Procedure on Harassment, details of which can be found on the University's website.

4. College Disciplinary Procedure

(a) The College's disciplinary procedure may be initiated by the Dean or by any other member of the College or its staff who has good reason to believe that a Student has breached the Disciplinary Code. This person (the complainant) shall refer the matter to the Dean as soon as reasonably possible after the occurrence of the alleged breach, naming the Student concerned and giving details of the alleged breach.

(b) When an alleged breach of the Disciplinary Code involves a Student resident in College or in other College premises, the Dean shall have the authority (where the seriousness of the alleged breach justifies it) to suspend the Student from residence or from use of College facilities, if necessary with immediate effect, for as long as the disciplinary procedure is in operation. The Student may, by giving notice to the Dean, appeal a suspension lasting in excess of seven days to the Disciplinary Committee. A suspension of seven days or fewer may not be appealed.

(c) Where an alleged breach of the Disciplinary Code constitutes in the opinion of the Dean an activity which falls within the College's Policy and Procedure on Harassment, whether or not it constitutes harassment for the purpose of this Regulation, the Dean shall consider whether the complaint should more appropriately be dealt with under the procedures set out in the Policy. If the Dean takes the view that the alleged breach should not be so dealt with, the Dean shall deal with the matter under this Regulation.

(d) The Dean shall, normally within two Working Days after receiving the report of the alleged breach, require in writing the Student concerned to attend for interview before the Dean at a time and place



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stipulated, and shall normally provide the Student with two Working Days' notice of the interview. The notification of the interview shall give particulars of the alleged breach of the Disciplinary Code. The Student interviewed may be assisted by another student. If the Student charged fails to appear, the Dean may deal with their case in their absence, if satisfied that proper notice has been given.

(e) At the interview, the Dean shall explain to the Student that they can:

- (1) admit the alleged breach and continue with the interview. If the Student opts for (1), the Dean shall elicit all information about the breach relevant to any penalty which may be imposed;
- (2) deny the alleged breach and continue with the interview as an investigative process, which may be adjourned if either the Dean or the Student reasonably requires evidence in relation to the alleged breach to be provided by other persons.

(f) At any stage of the interview, the Dean may, if they consider it appropriate in the circumstances, refer the matter to the Disciplinary Committee. Breaches that might reasonably be considered serious breaches should be referred to the Disciplinary Committee.

(g) At the close of the interview, the Dean may, dependent on its nature and outcome:

- (1) take no further action; or
- (2) if the breach has not been admitted, determine that a breach has been established and, after hearing any mitigation, impose a penalty from those listed in (h) below; or
- (3) if the breach has been admitted, after hearing any mitigation, impose a penalty from those listed in (h) below; or
- (4) refer the matter to the Disciplinary Committee.

(h) If the Dean is satisfied that a Student is guilty of the breach with which they are charged, the Dean may, separately or in any combination:

- (1) admonish the Student;
- (2) give the Student a written warning as to their future conduct. The Dean shall keep a record of the warning. Subject to good conduct the warning will be spent after one year and removed from the Student's record. If the condition of good conduct is not met, the warning will remain on the Student's record for one year after the Student has completed their course of study or for the period specified in the warning;
- (3) impose a fine up to £500;
- (4) order the Student to pay compensation to any person or body suffering injury, damage or loss as a result of the Student's conduct up to £500;
- (5) impose an order banning the Student from specified premises or Facilities, or particular behaviour, for such period or on such terms as the Dean thinks fit, such ban not to exceed one Full Term without review;
- (6) suspend the Student for a period not exceeding one Full Term;
- (7) If the Dean considers in any case that their powers are insufficient to meet the gravity of the breach of which they find the Student guilty, the Dean may refer the case to the Disciplinary Committee. The Dean may state to the Committee what penalty would in their opinion be appropriate and give reasons for that opinion.

(i) In the case of (h) above details of the breach established and/or penalty imposed and the reasons for the decision shall be recorded and this record will be signed by the Dean. One copy of the record shall be retained by the Dean and one given to the Student. A copy will be placed on the Student's record and kept until one year after completion of the programme of study or for the period specified in the penalty decision.

(j) In the case of (h)(1-6) above, the Student may appeal to the Disciplinary Committee against a finding of breach and/or against any of the penalties imposed. They shall inform the Dean of their intention to exercise the right of appeal within three Working Days after receipt of the Dean's determination.

(k) Any time limit contained in this Regulation may be extended at the discretion of the Dean.

5. Disciplinary Committee

(a) The Disciplinary Committee shall consist of the President, three Governing Body Fellows, and a representative of the MCR. A sitting of the Committee shall be sufficiently constituted (always provided that (b) and (c) below are observed) by three members. In the absence of the President, one of the Fellows will chair.

(b) No person who has an actual or apparent interest in the outcome of the case (because for example, they were the complainant or they have participated in any decision against which an appeal is being brought), and no person who may reasonably be considered to possess prior knowledge of the circumstances of the case (such as to give rise to a perception of bias), may be a member of the Disciplinary Committee considering the case.

(c) Membership of the Disciplinary Committee shall be chosen in a way which is consistent with the equality policies of the College and in particular so that there is at least one member of each sex.

(d) The Disciplinary Committee will be informed by the Dean:

(1) where there is a reference under Regulation 4(h), of the particulars of the alleged breach of the Disciplinary Code; and/or of the penalty thought appropriate, together with reasons for that penalty.

(2) where there is an appeal under Regulation 4(j), of the particulars of the breach and of the penalty imposed;

(3) in either event, of the name or names of the Student(s) involved and of any known witnesses.

(e) Within a maximum of five Working Days after the reference or appeal the Disciplinary Committee shall require in writing the Student concerned and witnesses to attend for a hearing at a time and place stipulated, normally with not less than five Working Days' notice.

In the case of a reference such notice shall state the details of the alleged breach of the Disciplinary Code.

The Disciplinary Committee shall provide copies of all documentation (including a copy of the Disciplinary Code) and evidence to the Student not less than five Working Days before the date of the hearing.

The Student may be assisted at the hearing by a third party. The Student shall give the Disciplinary Committee at least one Working Days' notice in advance of the hearing if the person providing such assistance is legally qualified (and the Committee may then invite a solicitor or barrister to assist the Committee at the hearing).

(f) Both the Student and the Disciplinary Committee shall have the right to call witnesses to the hearing and the right, through the Chair, to question witnesses. You may wish to include a provision along the following lines but not essential: The number of witnesses will be limited to 3 unless, in exceptional circumstances a request is made to the Chair of the panel at least three working days' notice in advance of the hearing and the Chair considers the request to be reasonable.

(g) The notice under (e) above shall state the membership of the Disciplinary Committee. The Student shall have the right to challenge the membership by stating to the Committee in writing and in advance of the hearing the reasons why it is inappropriate for the person or persons concerned to hear the case. The Chair shall determine whether the reasons given by the Student are sufficient justification to change the membership. If the Chair agrees, a new and final written notice shall be issued which may prescribe a different date and time for the hearing. The membership of the Committee proposed in this final notice may not be challenged. Where a challenge has been made, the facts and their outcomes shall be recorded in the report of the Committee's hearing.

(h) The Chair shall appoint a person to act as clerk to the Disciplinary Committee for the purpose of making any administrative arrangements, for such matters as the summoning of witnesses and the production of documents and for the keeping of a record of the hearing as prescribed below.



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- (i) If penalty only is in issue, the Disciplinary Committee shall follow (so far as appropriate) the procedure set out in (e) above. In these cases the notice shall state the details of the penalty imposed.
- (j) If any person required to attend such a hearing before the Disciplinary Committee fails to make an appearance the Committee may, at its discretion, adjourn the proceedings.
- (k) If the Student charged fails to appear, the Committee may deal with the case in their absence, if satisfied that proper notice has been given. Failure by another Student to attend when summoned to appear before the Committee as a witness shall, unless after enquiry the Committee is satisfied that there was reasonable cause for such failure, be treated as an offence under paragraph 1(i) of the Disciplinary Code.
- (l) At the hearing the Chair shall explain the procedure to be followed and shall read out, in the case of a reference, the complaint of alleged breach of the Disciplinary Code against the Student; and in the case of an appeal, the finding of breach and/or the penalty imposed against which the appeal is directed.
- (m) The Dean, or the Dean's representative, shall put the case against the Student.
- (n) At the hearing, the Disciplinary Committee shall ensure that a full and accurate record is compiled of all evidence considered and of the determination made.
- (o) If, in the course of such a hearing, the Disciplinary Committee is given the names of additional potential witnesses whose evidence it considers may be significant, it shall follow, so far as appropriate, the procedure referred to in (e) above so as to arrange their attendance.
- (p) At the conclusion of the hearing the Disciplinary Committee shall determine whether any breach of the Disciplinary Code has been established, taking into account any representations made by or on behalf of the Student. If the Committee is satisfied that a Student is guilty of the breach with which they are charged, or in any case remitted to it under Regulations, the Disciplinary Committee may, separately or in any combination:
- (1) formally admonish the Student;
 - (2) give the Student a written warning as to their future conduct;
 - (3) impose a fine of up to £500;
 - (4) order the Student to pay compensation to any person or body suffering injury, damage or loss as a result of the Student's conduct up to a value of £500;
 - (5) impose an order banning the Student from specified premises or facilities for such period or on such terms as it thinks fit;
 - (6) suspend the Student for such time as it thinks fit;
 - (7) expel the Student;
 - (8) deprive a Student of all or part of their award or bursary in the event that it has been provided by the College.
- In the case of (2) above, the Dean shall keep a record of the warning. Subject to good conduct the warning will be spent after one year and removed from the Student's record. If the condition of good conduct is not met, the warning will remain on the Student's record until one year after the completion of the Student's programme of study or as specified in the written warning.
- (q) Details of the breach established and/or penalty imposed shall be entered on an appropriate record and signed by the Dean and the Student. One copy of the record shall be retained by the Dean and one given to the Student. A copy will be placed on the Student's record and kept until one year after the completion of the Student's programme of study or as specified in the penalty decision.

(r) The Disciplinary Committee shall inform the Student of its determination in writing as soon as is practicable and in any case within five Working Days and (in the relevant cases) remind the Student of their right of appeal.

(s) Any findings by the Dean or a Disciplinary Committee of a breach of the Disciplinary Code shall be based on a balance of probabilities.

(t) Any time limit contained in this Regulation may be extended at the discretion of the Dean or the Disciplinary Committee.

(u) All members of the Disciplinary Committee will be expected to maintain confidentiality in relation to its proceedings and discussions.

6. Appeals

The Student may appeal to the Conference of Conference Appeals Tribunal (CCAT). More information about CCAT can be found on WebLearn.

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